

2010 VIRGINIA GENERAL ASSEMBLY

Summary of Workers' Compensation Bills

PASSED

HB 603/Loupassi; SB 611/Edwards - notices. Authorizes the Commission to satisfy its obligations to provide copies of notices, opinions, orders, and awards by sending them by electronic communications in the manner prescribed by the Commission.

HB 705/Merricks; SB 612/Wagner. Repeals provisions that require the Commission to send copies of awards by priority mail with delivery confirmation or equivalent mailing option. The measure also increases the period in which an application for review of an award may be made from 20 to 30 days.

HB 761/D. Marshall; SB 610/Edwards - filings. Expands the options for filing materials with the Commission to include means of electronic transmission that have been approved by the Commission.

HB 807/Poindexter; SB 597/Wampler - proof of coverage. Authorizes workers' compensation insurance carriers to file proof of coverage within 30 days of an insurance policy's inception. The filing shall be made electronically in the form prescribed by, and to the agent designated by, the Commission.

**William L. Dudley, Jr. was reappointed to serve another six year term on the Commission .

FAILED

HB 156/Dance - occupational disease presumption. Expands the presumption that specific types of cancers in firefighters and certain other public safety employees are occupational diseases compensable under the Act to include kidney cancer and any other type of cancer that results from the inhalation, ingestion, or absorption of a toxic substance.

HB 446/L. Ware - exclusion of certain employees. Excludes a person from coverage if his injury, disability, or death is covered by or eligible for benefits under the Longshore and Harbor Workers' Compensation Act or the Jones Act.

HB 955/Ligamfelter - occupational disease presumption. Adds salaried and volunteer lifesaving and rescue squad members to the list of public safety personnel who are

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entitled to a presumption that hypertension and heart disease are occupational diseases suffered in the line of duty that are covered under the Act.

HB 1326/Merricks; SB 367/Puckett - medical services. Provides that a health care provider rendering medical services outside Virginia to an injured worker whose claim and injuries have been accepted as compensable under the Act shall be reimbursed for authorized, reasonable and necessary medical treatment in an amount equal to the workers' compensation fee schedule, if any, adopted by that state. If the other state does not have a fee schedule, the provider will be reimbursed based on the charges prevailing in the same community for similar treatment when the treatment is paid for by the injured person. The measure also directs the Commission to appoint a task force to develop recommendations relating to reductions or discounts for multiple surgical procedures performed during a single operative session, liability for the costs of assistants-at-surgery, and whether prompt payment to medical providers should be required. *(Both bills were offered by the BCWC. The Senate Committee on Commerce & Labor will direct, by letter, the Commission to conduct the study.)*

HB 1346/Barlow - occupational disease presumption limitation. Establishes a limitations period during which a public safety employee may bring a claim for hepatitis at two years after the employee receives notice of a positive test for exposure to hepatitis. The limitation applies only to those public safety employees who are entitled to the existing presumption that hepatitis is an occupational disease. *Existing law provides that the limitations period for claims involving hepatitis is the earlier to occur of (i) two years after a diagnosis of the disease is first communicated to the employee or (ii) five years from the date of the last injurious exposure in employment.*

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